

BRIEFING NOTE

Affordable Housing: The New World of Regulation

May 2010

This briefing explains for the benefit of existing non-profit registered housing providers (RPs) the main changes affecting the funding and regulation of social housing in England. These came into effect on the 1 April 2010, when the remaining provisions of the Housing and Regeneration Act 2008 (H&RA) were “switched on”.

A separate briefing is available for bodies which are considering registration as new RPs after 1 April 2010.

BACKGROUND

The regeneration and housing investment agency, the Homes and Communities Agency (HCA) and the housing regulator, the Tenant Services Authority (TSA) were formed in December 2008. Many key changes affecting RPs only came into play as from 1 April 2010. Until then, in relation to social housing, housing associations had largely been operating under the previous powers of the Housing Corporation, though the HCA had also exercised more general powers inherited from English Partnerships in relation to regeneration.

The widening of the social housing domain and the reduction in restrictions on RPs and their activities and governance enable RPs to consider a wide variety of new structures which would not previously have been permitted. We expect to see a growth in interest in:

- Private sector bids for grant and other public sector financial assistance, through formation of profit making RPs as well as extension of existing models for partnering with non-profit RPs.
- Incentivisation of staff in order to compete with the private sector.
- Changes to the structuring of RPs in order to innovate and compete.
- Further diversification of business streams.
- Greater differentiation between non-profit RPs businesses.

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- Potentially, challenges to decisions of the TSA. The separation of the investment and regulatory function and the increase in the number of statutory duties of TSA and matters to be considered by it in taking action make it more likely that an RP will be willing to launch a challenge.

ABOUT DEVONSHIRES

Devonshires is based in the City of London and has been a specialist provider of legal services to Registered Providers for over 35 years. We already work for over 250 registered providers – including profit and not for profit entities. Our clients are based all over England, Wales and Scotland. Devonshires has 30 partners and about 200 staff, the majority of whom are specialists in the legal issues which Registered Providers face – giving clients a “one stop shop” for focused, cost effective legal services. As such, our team has excellent contacts with all key stakeholders who would be relevant to entities interested in registration.

HOMES AND COMMUNITIES AGENCY (HCA): FINANCIAL ASSISTANCE FOR SOCIAL HOUSING

The Housing Corporation had power to provide grant for social housing to registered social landlords (RSLs) under Housing Act 1996 section 18, and to non-RSLs under section 27A. When the HCA opened for business in December 2008 it inherited these powers. It also acquired a general power to provide financial assistance (section 19 H&RA) though initially this did not apply to social housing. This power was extended to social housing from 1 April 2010. HCA can now provide:

- **Financial assistance:** this includes not only grant but also loans, guarantees and indemnities and investments
- **To any person:** whether or not a registered provider and
- **For any purpose** which falls within its objects. These objects extend beyond housing

to include regeneration and supporting communities and their wellbeing.

An important qualification applies to social housing. Under section 31, where HCA has provided financial assistance for provision of low cost rental accommodation, then an RP must be the landlord when the relevant property is first let as low cost rental accommodation. The statutory requirement does not apply to financial assistance for low cost home ownership (LCHO) but the HCA has indicated that it will require landlords of financially assisted LCHO to be RPs too.

This in turn means that where the HCA makes financial assistance to a non-RP on or after 1 April 2010 for development of social housing (low cost rent or LCHO), it will want the non-RP to show that it has an exit route, (such as arrangements in place for transfer of the land to an RP before the completed homes are let). HCA has indicated that this will not apply to Homebuy Direct where the developer's interest is financial rather than as landlord.

TENANT SERVICES AUTHORITY: REGULATORY CHANGES AT A GLANCE

Since the Tenant Services Authority (TSA) was formed in December 2008 it has been operating primarily under the statutory powers for registration and regulation of RSLs previously held by the Housing Corporation under the Housing Act 1996. As from 1 April 2010 the majority of its powers relating to registration and regulation of RPs under the H&RA are “switched on”. The main impacts are:

Changes in domain:

- Existing RSLs are “passported” to become RPs.
- Stock-owning local authorities also become RPs
- The TSA can register a profit making body as an RP. If their business combines social housing and other activities only the social housing part will be regulated by the TSA.
- Profit making and non-profit RPs can be part of the same group. A non-profit RP can be

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controlled by a profit making body (whether or not registered with the TSA as an RP) or by another RP or non-RP. Previously TSA required it to be controlled by another body

- In one respect the domain is narrowed. Under H&RA section 80 each RP must be (or intend to be) a provider of social housing which means that it must be the landlord of at least one social housing dwelling. Many group parents are currently non asset owning RSLs. These will be passported into becoming RPs, but within the next 3 years they will be expected to comply with the new requirements. This could involve them acquiring a legal interest in social stock (it remains to see whether TSA will let them acquire a “token” number of social housing units but we expect that the legal interest could be relatively nominal), deregistering as RPs or “folding” i.e. merging into asset owning RP group members.
- There is a subtle change in the definition of the permitted activities of a non-profit RP. Under the Housing Act 1996 (as extended) there was a list of specific permitted housing and related activities. Under the H&RA section 115, the activities of non-profit RPs must include management or provision of housing, and its other activities must be connected with or ancillary to provision of housing. The Secretary of State has power to define what is connected with or ancillary to provision of housing, but there is currently no plan for this to be done. So it is left for RPs and their advisers (with help from the TSA) to decide what activities are now permitted (such as regeneration, which would previously have been permitted only where associated with housing).

Regulation

Most of the existing guidance and good practice notes of the Corporation / TSA are withdrawn. At the same time the previous statutory “schedule 1” regime on payments and benefits is repealed. These are replaced by a set of standards which

are intended to be more outcome-based and less prescriptive than the previous regime. These new standards are:

- Tenant Involvement and Empowerment
- Home
- Tenancy
- Neighbourhood and Community
- Value for Money
- Governance and Viability.

The TSA also sets out principles governing the standards. Comments on the standards and on these principles are set out below.

Disposals of land

The consent of the Corporation (and then TSA) was previously required for any disposal of land (subject to various exceptions). Under the H&RA,

- Only disposals of dwellings which are “social housing” need consent.
- “Social housing” includes low cost rent and LCHO. It also includes “legacy” property held by an existing RP on 1 April 2010 and consent is only needed for dwellings which are “legacy”. In the case of open market rent, student, care homes and asylum seeker accommodation “legacy” property only counts as social housing if grant funded.
- TSA has published a new General Consent. Any RP can dispose of vacant property (either in the open market or to another group company), or dispose to sitting tenants at up to right-to-buy discount levels, in each case in accordance with a disposals policy pre-agreed with the TSA.
- A non-profit RP can use the general consent to charge security for private finance where TSA has given it a letter of authorisation to do so. TSA can withdraw this (e.g. where the RP is subject to supervision or enforcement) by publishing a withdrawal on its website. Authorisation is conditional (among other things) on the finance not being used for

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on-lending outside the RP's group; and on it obtaining professional advice before it lends to a profit-making RP or non-RP in the group. Since private funders will not want to investigate compliance with these conditions, they are protected by a self-certification by the RP.

Intervention and enforcement

Most of the previous powers of intervention and enforcement of the Housing Corporation / TSA remain. They are supplemented by new powers. Again, the TSA has set out the principles which govern when it will use its powers – both in general and with reference to specific powers. A list of the new powers and description of its future approach are set out below. A possible unintended by-product of the increased number of powers (starting from a lower base) is that funders of RPs may use these as a basis to threaten to call a default under their own facilities, possibly as a route to re-pricing. Care should be taken to ensure that any events of default in loans and other agreements which relate to TSA action take into account the seriousness of the different types of action.

TSA CHANGES IN MORE DETAIL

Regulation: TSA's approach

TSA lists 10 principles relating to regulation. These include the following key principles

Co-regulation and tenant engagement (I, III, VI):

Boards and councils are to involve residents in shaping local delivery in line with local priorities. Residents are entitled to scrutinise performance against the standards. The published standards are intended to set out a minimum framework. Apart from the governance and viability standard, RPs are under an obligation to supplement them through their "local offer". They must produce a report to tenants on their compliance with the standards, including their local offer, by 1 October in each year. This should note gaps and any plans for improvement. TSA will see each report. The first report (October 2010) must set out the RP's plans for their local offer, and this must be in place by April 2011. There is little guidance on how a national

based RP should develop local offers for each area in which it operates.

Outcome based regulation (II): TSA's objective is to be more outcome focused and to free RPs from regulatory red tape. Whilst the TSA has power to amplify its standards with codes of practice, it has announced that it does not currently plan to do so. Each standard is divided into a list of "required outcomes" and "specific expectations". The latter are in general shorter than under the previous regime.

Equality and diversity (IV): in complying with all the standards, RPs must respond to the diverse needs of their residents.

Validation, audit, benchmarking (VI, VII): in setting and complying with local offers, RPs must use independent validation, peer review and benchmarking.

Risk based focus (VIII; IX): TSA will seek to identify key risks, focus its resources on RPs with the most challenging performance issues and seek to act in a proportionate way.

Comments on the TSA's six standards

Tenant Involvement and Empowerment

It is not surprising that tenant involvement and empowerment have been given their own standard given the declaration by the TSA to be the "tenants' champion" and the "consumer based" regime proposed by the author of the new regulatory regime, Professor Martin Cave. The standard builds on the general expectations set out in the now defunct Charter for Housing Association Applicants and Residents and expects RPs to give tenants choice, information and communication in delivery of all standards, to provide accessible services to all (picking up on the cross-cutting theme of support to residents with support needs) and to involve tenants in management of their housing and strategic and policy decisions about service delivery so that residents can influence policy and scrutinise delivery of the TSA's standards.

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RPs must consult with tenants on the scope of local offers which must be agreed with tenants no later than 1 April 2011. There is a lot of emphasis on genuine consultation with “consultation weary” tenants (including feedback on outcomes of consultation, which is sometimes ignored) over proposed management arrangements and a specific requirement that tenants are consulted at least once every three years on the best way of involving tenants in the governance and scrutiny of the RP’s housing management service. RPs will be expected to ensure tenants engage in this process.

As part of this regime the TSA requires that RPs have simple and accessible complaints procedures and must publish annual reports of complaints made and their outcomes. RPs must offer a “range of ways” for tenants to complain and complaints may include complaints about performance of their landlord against the TSA’s standards, although in most cases tenants will not have direct recourse to the TSA if they are dissatisfied with the outcome.

Home

Quality of accommodation is to be maintained by requiring RPs to meet the Decent Homes standard by 31 December 2010, unless a longer period is agreed with the TSA; to meet any higher standards which were required as a condition of funding at the time the property was built; and as part of any local offer to agree to maintain at least those level of standards in repair and maintenance of their housing. RPs must provide cost-effective repairs services aimed at getting repairs and improvements “right first time” and must supply tenants with annual reports on how the RP is meeting its obligations under this standard. RPs must ensure a “prudent, planned approach” to repairs and demonstrate value for money. There is specific reference to RPs cooperating with relevant organisations to provide an effective adaptations service which meets tenants’ needs.

Tenancy: allocations:

The Tenancy Standard is split into Allocations, Rents and Tenure. Allocations must be fair, transparent and efficient, making best use of available housing and contributing to the local authority’s (LA’s) strategic housing function. RPs must cooperate with LAs in terms of nomination agreements, meeting homelessness duties and participation in choice based letting schemes (if an RP does not participate, they should publish their reasons). Emphasis is also placed on minimising voids, avoiding under- and over-occupation, ensuring allocations processes are accessible to those with support needs, publishing allocations policies and ensuring criteria are clearly set out.

Tenancy: Rents:

RPs must continue to comply with the rent restructuring guidance and are specifically required to follow the CLG’s direction of November 2009. It is recognised that compliance could put RPs in breach of existing commitments such as loan and banking covenants. Some RPs have recently experienced this particularly in the context of negative RPI. Where this happens TSA may allow extensions to the period for compliance with the rents standard i.e. meeting target rents. This is not automatic – RPs who have a difficulty complying with the rent standard must seek a specific extension from the TSA. RPs are also expressly required to ensure that tenants are given clear information about how their rents and service charges are set.

Tenancy: Tenure

The old “mantra” that RPs must offer the most secure form of tenure compatible with the purpose of the housing and sustainability of the community is retained and the TSA make the point that security of tenure is a matter for the Government. This appears to be a reference to the fact that Government has not picked up and followed the Law Commission’s recommendations of a new single form of tenure. It also means the demise of the specific and prescriptive guidance on tenure given in the October 2007 GPN; RPs are simply to ensure that their tenure arrangements

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meet all statutory and legal requirements. The only reference to eviction is a requirement that RPs support tenants in their tenancies and prevent unnecessary evictions. Again, previous detailed guidance from the Housing Corporation in, for example, the 07/05 Circular “Tenancy Management: Eligibility and Evictions” is dropped in favour of a much less prescriptive approach. RPs must also publish clear and accessible policies outlining their approach to tenancy management.

Neighbourhood and Community

This standard deals with keeping neighbourhoods “clean and safe” and tackling anti-social behaviour – two themes which were prominent in tenant feedback during the National Conversation. Again there is emphasis on the need for consultation with tenants - in this case over development of policies for maintaining and improving neighbourhoods. RPs are expected to cooperate with Local Strategic Partnerships and other relevant “partners” to promote social, environmental and economic well-being. Cooperation with partner organisations to deal with ASB is also a requirement and RPs must demonstrate that they have effective procedures for dealing with ASB which ensure, amongst other things, “prompt, appropriate and decisive action”, “strong leadership, commitment and accountability” and “a strong focus on preventative measures”.

Value for Money

Whilst achievement of value for money is clearly of interest to the public sector as the provider of grant funding, the focus in the value for money standard is on the need for RPs to demonstrate value for money to their residents. They are required to report annually to their residents on VFM and give them the ability to input into the cost of services, in particular where this affects service charges.

Governance and viability standard: Viability

The viability part of the governance and viability standard is the most concise of the standards. It requires RPs to manage their resources effectively to ensure their viability is maintained. RPs are

required to have (among other things) effective controls to ensure security of assets and proper use of public funds. These statements replace previous lengthy guidance on investment, risk management and treasury management.

Governance and viability standard: Governance

The first specific expectation under the Governance part of this standard is that RPs will adopt and comply with an appropriate code of governance. They must give reasons for their choice and explain any areas of non compliance with their chosen code.

Many RPs have in mind to adopt the NHF code of governance. However other codes are available. Another one actively being considered by some RPs is the Combined Code (now known as the UK Corporate Governance Code), which quoted public companies are expected to adopt. There are pros and cons to each and we can provide a briefing on the main differences.

The NHF has published two codes relevant to governance: Excellence in Governance, and Excellence in Standards of Conduct. The code of governance deals with the recruitment, roles and responsibilities of the board, the chair, the chief executive and committees. It also deals with various principles of governance including transparency, accountability, equality and risk management. The code of conduct expands on principles of probity including declaring and dealing with interests; board and staff remuneration and non-contractual staff payments; standards of behaviour and handling breaches. The code of conduct (among other things) takes the place of the schedule 1 regime but is less draconian in its treatment of payments and benefits for officers and staff.

RPs can make a broad statement that they adopt a particular code. They will then need to reflect it in their own standing orders, terms of reference and other internal governance documents. For example, the NHF code of governance at C1 requires the board to publish policies covering selection of board members, agreeing role profiles and competency frameworks and a process for succession planning

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– so an RP which adopts the code must ensure it puts these in place. Non-profit RPs which adopt the Combined Code will need to make a considerable number of changes to reflect that the RP is a non-profit body – for example provisions relating to holding of shares in the company and receipt of dividends from it will not be relevant.

In fact, many listed companies do not comply with all of the provisions of the UK Corporate Code and explain why.

Most RPs will have existing governance documents and these need to be checked for compliance with the selected code. Where the RP decides not to reflect a particular provision of the code it must be prepared to explain why not.

This all means that many of the previous restrictions placed in rule books can now be removed - as they can be replaced with the more flexible “comply or explain” method set out above.

The fourth specific expectation under the Governance standard relates to an RP with a non-regulated element. This section has been added since the draft of the Governance standard which was originally published for consultation. It covers some of the ground covered by the previous “Good Practice Note 9 - Regulating a Diversified Sector” – but also requires that an RP controlled by a non-RP will be able to comply with the TSA’s standards. A non-regulated element is an organisation (or part) carrying out a non-social housing activity within:

- An RP which also carries out activity not regulated by TSA (ie, presumably, non-social housing).
- A non-RP which has an RP within its corporate structure or group or
- An RP controlled or substantially influenced by a non-RP.

The scenario of an RP controlled by a non-RP is, perhaps, most likely to arise within a profit making group. A non-RP company may decide to establish a subsidiary as an RP. However, it could also arise if, for example where:

- An existing non-profit RP sets up a profit making company which takes a controlling

voting interest in the RP and raises money and on-lends it to the RP or

- A managing, non-asset owning group parent currently “passported” as an RP eventually deregisters as an RP but retains control of one or more RPs in its group.

Both of these are scenarios which would not have been possible under the previous regime since the Corporation and then the TSA required every RSL group to be headed by a RSL.

The second limb of “non-regulated element” is also broad enough to include a non-RP subsidiary engaged in non-social housing activity.

The RP is required to ensure that:

- the non-regulated element does not prejudice the RP’s compliance with TSA’s regulatory requirements; and
- if the RP cannot comply with TSA’s standards, the RP can require the non-regulated element to support it.

It seems to us that this includes the following requirements:

- where a RP is controlled by a non-RP, the non-RP must use its voting rights so as to ensure that the RP is able to comply with TSA’s standards. It should not frustrate the standards by requiring the RP to take action which would contravene them
- any non-social housing element within an RP (or its group) should not put the social housing element at risk, and should support the social housing element. It seems to us that this includes ensuring that the social housing is not subjected to financial risk and is financially supported.

However the drafting of this section is unclear - for example as to whether its requirement for support could include a requirement for financial support. Whichever way, the lack of clarity is likely to be unwelcome to RPs and their funders. We are therefore anticipating clarification of this section from the TSA.

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Other governance requirements

Governance requirements appear in other standards and new TSA publications.

Ring fencing

A profit-making provider could be a company which carries out both social housing and other activities. In this case the TSA's standards and many of its regulatory powers only relate to the social housing part (whereas in the case of non profit RPs, many of the TSA's powers continue to relate to the whole entity). The TSA will need to develop ring-fencing arrangements to protect the social housing part of the business. Where an RP is controlled by a non-RP, then again the TSA will want to put appropriate ring fencing protection in place. This is already common in other regulated industries such as utilities. The current publications do not contain any specifics on ring fencing and it appears that, at least initially, TSA will negotiate this with new applicants.

Devonshires are however already working on a ringfencing agreement with the first regulated body seeking to become a subsidiary of a non-regulated body.

Resident representation

The tenant involvement and empowerment standard, in its specific expectations, requires RPs to consult residents at least every three years on involving them in governance and scrutiny of their housing management service. This is less specific than the previous circular 05/07 which required an RP owning at least 250 social housing units to include at least one resident on their board or a service delivery committee.

Disposals: benefits to officers and staff

The general restriction on payments and benefits to officers and staff has gone. As we have seen, in its place RPs are expected to adopt a code of conduct but this is not required to be as draconian as the schedule 1 regime.

The restriction reappears in a much more limited form in a condition to the new general consent. This states that it is a condition to the general

consent (which allows disposals of social housing in the cases listed there) that the relevant disposal is not to or for the benefit of any of the RP's officers, employees, and their relatives, or businesses trading for profit in which those parties have an interest. If a disposal benefits any such party, specific consent will always be needed.

Group structures; mergers etc

The annexes to the TSA's new regulatory framework paper include Guidance Notes on TSA's powers. GN 1 concerns consents to constitutional changes. As of 1 April TSA consent is only needed for a narrow range of constitutional changes and only for non-profit RPs. These include any provision which groups or "de-groups" a non-profit RP.

The TSA will consider any application for a group structure in line with its fundamental objectives, its registration criteria and its standards. It will look in particular at the overall business case and look for consultation with tenants and stakeholders; improvements in services to current and future residents; rationalisation of stock holding and management issues; value for money; and simple, clear and straight forward governance structures. It will balance these against the desirability of maintaining a choice of providers and competition in a region. In effect, the pre-existing approvals regime will remain although the new reference to preservation of competition may herald the involvement of the Competition Commission in larger mergers.

The TSA will also take into account most of these factors when approving merger, conversion and dissolution of non-profit RPs.

Intervention and enforcement

The H&RA gives the TSA a number of new powers of intervention and enforcement. A full description of these is beyond the scope of this note but we summarise here key elements of the TSA's proposed approach. A key issue here is the approach lenders will take (in relation to default provisions) where the TSA use any of these powers.

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In essence, the Guidance states that the TSA will

- Act in a proportionate and graduated way
- Give an RP advance notice of intervention and give an opportunity to improve itself before intervening, where feasible,
- Carefully consider the RP's own plans and any representations, and any change in circumstances. The TSA is required to allow a period for representations before exercising a number of the powers, though not all of them.
- Take account of the desirability of RPs' freedom of action, the seriousness of the breach and whether it is recurrent, and its urgency (this is required by H&RA s218 and may well be used by RPs as a basis of challenge to action by the TSA). A number of the powers can only be used where specific types of breach or misfeasance have occurred.
- Explain its actions and reasons.

On the following pages we have set out in tabular form a summary of the TSA's powers and a comparison of where they can be used against "for profit"; "not for profit" and local authority providers. Many of these powers were carried over from the previous Housing Act 1996 but had never been used. Given the TSA's new statutory remit we believe that they will be used, and in a different way to in the past.

The TSA's new powers include

- To accept a voluntary undertaking to comply with its requirements. It is anticipated that this will frequently be used as an alternative to more serious intervention. TSA has not published more detailed guidance on use of undertakings. Care should always be taken to ensure that a voluntary undertaking is not given inadvertently e.g. in correspondence with the regulator and, on the other hand, that where an RP intends to give one it is acknowledged as such by TSA
- to collect information and documents from RPs and third parties
- to issue an enforcement notice
- to require a survey of property - this may be on short notice
- to impose a penalty
- to require the RP to pay compensation
- to require a RP to tender its management or, after an inquiry or extraordinary audit, to transfer its management. This is seen as a less extreme intervention than requiring it to transfer land or to merge fully. The main disadvantage with this route is that any manager appointed to the RP is likely to have to charge VAT on its services which represents an "on cost". The TSA has not yet published full guidance on this.
- to direct the HCA not to invest in the RP. This can only be used where the RP is the subject of an inquiry, or is in moratorium, or TSA has appointed an officer. In practice, the HCA will be informed of most other intervention and enforcement actions and can form its own view whether to continue to invest. It is only in limited cases that H&RA enables the TSA to "force its hand".
- Following an inquiry or extraordinary audit, in the case of a non-profit RP to direct an amalgamation i.e. merger with another RP. As before, the TSA can also direct a transfer of land (with associated liabilities), but it is generally considered that a full corporate merger is a "cleaner" solution.

Affordable Housing: The New World: TSA Powers

| TSA Power to: | Local Authorities | For Profit Registered Providers | Not for Profit Registered Providers |
|--|--|------------------------------------|---|
| Receive voluntary undertaking (section 125) | ✓ In relation to social housing | ✓ In relation to social housing | ✓ In relation to social housing |
| Arrange a survey (sections 199 to 200) | ✓ | ✓ | ✓ |
| Arrange an inspection (sections 201 to 203) | ✓ | ✓ | ✓ |
| Direct an inquiry (sections 206 to 209) | ✓ In relation to social housing | ✓ In relation to social housing | ✓ For a registered charity, only if the charity has received public assistance |
| Direct an extraordinary audit (section 210) | ✓ In relation to social housing | ✓ | ✓ |
| Enforcement notices (sections 219 to 225) | ✓ | ✓ | ✓ |
| Direct a tender of management (sections 247 to 248) | ✓ In relation to social housing excludes ALMO | ✓ In relation to social housing | ✓ |
| Direct a transfer of management (sections 249 to 250) | ✓ In relation to social housing | ✓ In relation to social housing | ✓ In relation to social housing |
| Collect information and documents (any person) (sections 107 to 108) | ✓ | ✓ | ✓ |
| Direct the HCA not to invest (section 106) | ✓ Triggered by 206 | ✓ Triggered by 206 and 145 | ✓ Triggered by 206, 145 and 269 |
| Issue a penalty fine (sections 226 to 235) | x | ✓ | ✓ |
| Award compensation (sections 236 to 245) | x | ✓ In relation to social housing | ✓ |
| Appoint a manager (sections 251 to 252) | x | ✓ In relation to social housing | ✓ |

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| TSA Power to: | Local Authorities | For Profit Registered Providers | Not for Profit Registered Providers |
|---|--|------------------------------------|--|
| Direct a transfer of land (sections 253 to 254) | x | ✓ In relation to social housing | ✓ May not be imposed on a registered charity |
| Make and execute an amalgamation of an industrial and provident society (section 255) | x | x | ✓ |
| Direct restrictions during or following an inquiry (sections 256 to 265) | x | x | ✓ |
| Remove an officer in circumstances such as bankruptcy (sections 266 to 268) | x | x | ✓ For a registered charity, only if the charity has received public assistance. |
| Appoint new officers (section 269) | x | x | ✓ For a registered charity, only if the charity has received public assistance. |
| Direct how sums in a disposals proceeds fund are used, allocated or paid (section 178) | x | ✓ | ✓ |
| Settle the affairs of providers who become insolvent (sections 144 to 159) | x | ✓ | ✓ |
| Petition to wind up a provider (section 166) | x | x | ✓ |
| Dissolution; Transfer property on dissolution (sections 165, 167) | x | x | ✓ (IPS) |
| Appoint advisors to a local authority (section 252A) | ✓ The TSA may appoint advisors in respect of social housing affairs | x | x |
| Censure a local authority officer or agent during or following an inquiry (sections 269A+B) | ✓ | x | x |

